

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Will Allen/797-2093

**SUBJECT:** Resolution

**TITLE OF AGENDA ITEM:** A Resolution Of The Town Of Davie, Florida, Subordinating The Lien Of The Town Of Davie On Property Owned By Jolmy Enterprises, Inc., With Respect To Certain Mortgage Indebtedness And Providing For An Effective Date.

**REPORT IN BRIEF:** Subordinating the lien interest of the Town in the Jolmy parcel relative to the Oaks Road reconstruction project. This Subordination Agreement maintains the Town's 80% valuation margin provided for in R-97-108.

The Town and Jolmy Enterprises jointly received an economic development grant from the State of Florida which in conjunction with development of the Jolmy Transportation Complex provided funds for reconstruction of Oakes and Burris Roads. Reimbursement of the roadway construction costs are subject to satisfactory completion of the development elements associated with the Transportation Complex and the Town has secured a lien against the Jolmy Properties to protect this interest.

Resolution No. R-97-108 provides a mechanism for the Town to subordinate our lien interests to future mortgage indebtedness subject to the total encumbrances on the property not exceeding 80% of the appraised land value. The current encumbrances including the encumbrance of \$120,000.00 proposed for Council consideration are listed on the attached spreadsheet indicating that \$6,097,571.36 has been encumbered which reflected against the appraised land value equates to 70.90% of the appraised value.

**PREVIOUS ACTIONS:** The Town has previously granted lien subordinations consistent with the provisions of R-97-108 which currently total 69.51% of the appraised value including the Town's lien. Subordinating Resolutions may be considered up to a maximum 80% of the current appraised valuation.

**CONCURRENCES:** Not Applicable

**FISCAL IMPACT:** Not Applicable

**RECOMMENDATION(S):** Motion to approve the Resolution.

**Attachment(s):** Resolution  
Lien Spreadsheet  
Letter from Jolmy Enterprises, Inc.

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie entered into an agreement between the Town and Jolmy Enterprises, Inc. on the 19th day of March 1997, which was approved by Resolution No. R-97-108, adopted by the Town Council on the 19th day of March, 1997; and

WHEREAS, said Agreement provided for a lien in favor of the Town of Davie imposed upon the property owned by Jolmy Enterprises, Inc. as described in Exhibit "A" attached hereto; and

WHEREAS, the Town Council has determined that based upon a written request submitted to the Town requesting subordination of the lien to proposed mortgages, there is sufficient evidence to the satisfaction of the Town that the total encumbrances against the subject property including the proposed indebtedness as represented by the mortgage in favor of Gerard and Susan Wasselle in the amount of \$120,000.00 when added to the Town's lien does not exceed 80% of the value of the property; and

WHEREAS, those conditions being met, the Town wishes to subordinate its lien created by the aforementioned agreement between the Town of Davie and Jolmy Enterprises, Inc. to the note and mortgage.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the lien created by Resolution R-97-108 and the agreement appended thereto is hereby subordinated to the interest created by the mortgagee in that mortgage to be recorded in favor Gerard and Susan Wasselle in the amount of \$120,000.00.

SECTION 2. The recording of this Resolution among the Public Records of Broward County, Florida shall constitute subordination of the Town's lien against the property described in Exhibit "A" to the mortgage described above to the extent of \$120,000.00.

SECTION 3. In the event the aforementioned mortgage is not recorded among the Public Records of Broward County, Florida, within 120 days of the date of this Resolution, this subordination shall automatically terminate with respect to that mortgage which is not recorded within the 120 day time period.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

A portion of FERNCREST RIDGE, according to the Plat thereof, as recorded in Plat Book 4 at Page 29, of the Public Records of Broward County, Florida; more particularly described follows:

Commence at the Northeast corner of said Plat, same being the Southeast corner of Tract Tier 9 of NEWMAN'S SURVEY, according to the Plat thereof, as record in Plat Book Page 26, of the Public Records of Dade County, Florida; thence South 14°50'17" West, along the East line of aforesaid Plat of FERNCREST RIDGE, 262.07 feet to the Point of Beginning; thence continue South 14°50'17" West, along said East line 368.93 feet; thence North 87°36'09" West, 533.83 feet to the South line of Tract 2 of aforesaid Plat of NEWMAN'S SURVEY; thence North 75°09'43" West, along said South line, 79.82 feet; thence South 14°50'17" West, 242.01 feet to a South line of aforesaid Plat of FERNCREST RIDGE; thence North 89°56'59" West, along said South line, 79.72 feet; thence North 85°42'13" West continue along said South line 201.56 feet; then South 89°31'58" West, continue along said South line, 300.00 feet; thence South 84°46'09" West, continue along said South line, 36.12 feet to the Southwest corner of said Plat of FERNCREST RIDGE; thence North 14°50'17" East, along a West line of said Plat, 390.82 feet to the Southeast corner of Tract 2, Tier 13 of aforesaid Plat of NEWMAN'S SURVEY; thence North 75°09'43" West, along aforesaid South line of said Tract 2, 132.06 feet; thence North 22°52'26" East 52.57 feet; thence North 12°18'27" East 113.11 feet; thence North 14°50'17" East, 157.00 feet; thence North 83°46'38" East, 138.99 feet to the Northeast corner of the South one-half (S 1/2) of said Tract 2, Tier 13; thence North 14°50'17" East, along the East line of said Tract 2, Tier 13; same being the West line of aforesaid Plat of FERNCREST RIDGE, 372.00 feet to the Northeast corner of aforesaid Tract 2, Tier 13; thence South 75°09'43" East, along said North line of said Tract 2, 343.67 feet; thence South 64°34'02 East, 259.54 feet; thence South 46°33'49" East, 154.11 feet; thence South 50°28'26" East, 380.71 feet; thence South 86°43'06" East, 112.84 feet to the Point of Beginning.

Said lands lying in Broward County, Florida, containing 22.35 acres, more or less.

# **Jolmy Lien Subordination Status**

R-97-108 adopted 3/19/97/authorized an agreement with Jolmy Enterprises, Inc. This agreement provided for a property lien security to secure the Town's obligations relating to roadway grant and utility construction. The lien was allowed to be subordinated to future mortgaged indebtedness under certain conditions including that the total encumbrances against the property not exceed 80% of the value of the property (Appraised at \$8.6 million). The 80% limit includes the Town's lien of \$2 million established in the resolution. The following table shows a running total of the lien subordinations which have been approved by the Town.					
Reso Number	Date	Name	Amount of Lien	Cumulative Total of Liens	Lien % of Appraisal
*					<b>\$8,600,000.00</b>
*	2/3/95	Ultimo	\$100,000.00	\$100,000.00	1.16%
*	7/25/95	Brigham	\$35,289.32	\$135,289.32	1.57%
*	2/14/96	Marshall, etc.	\$150,000.00	\$285,289.32	3.32%
*	9/30/96	Matthews	\$75,000.00	\$360,289.32	4.19%
*	7/21/97	United Nat Bank	\$357,282.04	\$717,571.36	8.34%
*	10/7/97	Wasselle	\$90,000.00	\$807,571.36	9.39%
R-97-108	3/19/97	Town of Davie	\$2,000,000.00	\$2,807,571.36	32.65%
R-97-128	4/16/97	Waselle, etc.	\$140,000.00	\$2,947,571.36	34.27%
R-97-189	5/21/97	Rudman, etc.	\$25,000.00	\$2,972,571.36	34.56%
R-97-314	9/17/97	Waselle, etc.	\$150,000.00	\$3,122,571.36	36.31%
R-97-380	11/5/97	Douse	\$50,000.00	\$3,172,571.36	36.89%
R-97-430	12/17/97	Foster, etc	\$50,000.00	\$3,222,571.36	37.47%
R-98-011	1/7/98	Grenawald	\$200,000.00	\$3,422,571.36	39.80%
R-98-029	1/21/98	Alres, etc.	\$125,000.00	\$3,547,571.36	41.25%
*	2/19/98	Bregman, etc.	\$75,000.00	\$3,622,571.36	42.12%
*	3/16/98	Alres	\$130,000.00	\$3,752,571.36	43.63%
*	3/16/98	Matthews	\$75,000.00	\$3,827,571.36	44.51%
*	4/7/98	Amaral	\$45,000.00	\$3,872,571.36	45.03%
*	6/9/98	Marshall	\$200,000.00	\$4,072,571.36	47.36%
*	6/18/98	Amaral	\$50,000.00	\$4,122,571.36	47.94%
*	12/23/98	Kushner	\$20,000.00	\$4,142,571.36	48.17%
*	12/23/98	Cicchini	\$115,000.00	\$4,257,571.36	49.51%
R-99-028	1/20/99	Cicchini	\$85,000.00	\$4,342,571.36	50.50%
R-99-045	2/3/99	Hustins	\$200,000.00	\$4,542,571.36	52.82%
R-99-095	3/16/99	Amaral, etc.	\$125,000.00	\$4,667,571.36	54.27%

R-99-096	3/16/99	Douse	\$50,000.00	\$4,717,571.36	54.86%
R-99-118	4/7/99	Hustins	\$70,000.00	\$4,787,571.36	55.67%
R-99-166	5/5/99	Marshall, etc.	\$115,000.00	\$4,902,571.36	57.01%
R-99-260	8/4/99	Amaral, etc.	\$70,000.00	\$4,972,571.36	57.82%
R-99-261	8/4/99	Lorberbaum, etc.	\$55,000.00	\$5,027,571.36	58.46%
R-99-286	9/1/99	Seigel, etc.	\$60,000.00	\$5,087,571.36	59.16%
R-99-299	9/15/99	Wasselle, etc.	\$150,000.00	\$5,237,571.36	60.90%
R-99-353	11/17/99	Cicchini	\$220,000.00	\$5,457,571.36	63.46%
R-2000-32	3/1/00	Crane, etc.	\$250,000.00	\$5,707,571.36	66.37%
R-2000-79	4/18/00	Seigel, etc.	\$55,000.00	\$5,762,571.36	67.01%
R-2000-90	5/3/00	Cicchini, etc.	\$35,000.00	\$5,797,571.36	67.41%
R-2000-185	8/2/00	Marshall, etc.	\$80,000.00	\$5,877,571.36	68.34%
R-2000-271	11/15/00	Mull-Thomas, Cra	\$100,000.00	\$5,977,571.36	69.51%
R-2001-	3/7/01	G.S. Wasselle	\$120,000.00	\$6,097,571.36	70.90%

\* indicates a lien was filed prior to R-97-108. The lien may have been recorded at a later date.

\*\* indicates the Town Administrator approved a lien. R-98-068 allowed the Town Administrator to approve subordinations to future mortgages without Town Council so long as the total encumbrances and the Town's lien do not exceed 50% of the value of the property.

\* indicates a lien was filed prior to R-97-108. The lien may have been recorded at a later date.

\*\* Indicates the Town Administrator approved a lien. R-98-068 allowed the Town Administrator to approve subordinations to future mortgages without Town Council so long as the total encumbrances and the Town's lien do not exceed 50% of the value of the property.

**JOLMY ENTERPRISES, INC.**  
**4751 SW 30TH STREET**  
**DAVIE, FLORIDA 33314**  
**954/583-7212**

February 15, 2001

Will Allen  
TOWN OF DAVIE  
6591 SW 45th Street  
Davie, Florida 33314

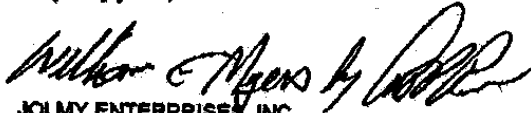
Dear Mr. Allen:

Pursuant to Town of Davie Resolution R97-106, I am hereby requesting that the Town subordinate its lien to the following mortgage:

GERARD and SUSAN WASSELLE in the amount of \$120,000.00

Please place this request on the next scheduled Town Council meeting agenda.

Very truly yours,



JOLMY ENTERPRISES, INC.  
William E. Myers, President